THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 36420 OF 1998

Dated 12th April, 2007

Between:

The Markapur Town Carpenters Association,
Represented by its General Secretary,
Prakasam District.

…Petitioner

And

The Secretary to Government,
Forest Department, Secretariat,
Hyderabad and others.

…Respondents.

ORAL ORDER:

The writ petitioner, which is an association of carpenters registered under the provisions of A.P. Co-operative Societies Act, 1964, has challenged the proceedings No. 13799/98A2 dated 19.6.1998 issued by the Principal Chief Conservator of Forests and the consequential notice dated 19.9.1998 issued by the Divisional Forest Officer, Markapur.

It is the case of the petitioner that all the members of the petitioner-association are carpenters. They are using machinery for the purpose of sawing and cutting with electrical power of less than 2 Horse Power and they move from place to place, and, therefore, the impugned notice in which instructions were issued for getting licences is illegal and arbitrary.

In exercise of the powers conferred by Section 29 read with Section 68 of the Andhra Pradesh Forest Act, 1967, the Andhra Pradesh Saw Mills (Regulation) Rules, 1969 were framed, wherein the words 'saw mill' are defined as under:

> "saw mill" means a mechanical contrivance for sawing, cutting or conversion of timber with the aid of electrical or mechanical power and includes the premises as approved in the licence, but does not include a contrivance operated solely by manual power."

From a reading of the definition of 'saw mill' it is clear that saw mill includes any mechanical contrivance for sawing, cutting or conversion of timber with the aid of electrical or mechanical power and the same does not include a contrivance operated solely by manual power.

It is submitted by the learned counsel for the petitioner-association that the members of the petitioner-association use less

than 2 Horse Power of electrical energy and they do not have any fixed machinery or premises to carry on the activity and move from place to place with the implements and as such, they should not be required to obtain licences. They also made a representation to the Government on 17.12.1998.

But, so long as the definition of "saw mill" is not amended by making amendment to the A.P. Saw Mills (Regulation) Rules, 1969, whether they use less than 2 Horse Power or more than 2 Horse Power is not material for the purpose of insisting saw mill lincence. A perusal of the notice also indicates that only such of those carpenters who are using machinery for cutting and designing with electricity should obtain licence. The said instructions issued by the Principal Chief Conservator of Forests in the proceedings dated 19.6.1998 and the consequential notice dated 19.9.1998 are in conformity with the A.P. Saw Mills (Regulation) Rules, 1969. Therefore, I do not find any illegality in issuing instructions to obtain licences.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

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12-4-2007

R.SUBHASH REDDY, J.

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